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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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AMZ 09/06/03

EXAMINER

ART UNIT	PAPER
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FEB 23 2004

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

The reply brief filed May 12, 2003 has been entered and considered. The application has been forwarded to the Board of Patent Appeals and Interferences for decision on the appeal.


THEODORE J. CRIARES
PRIMARY EXAMINER
GROUP 1200/600

XC to BOBIE w. Inquiry ltr of 2/2004

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O I P E
FEB 17 2004
PATENT & TRADEMARK OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
PATENT EXAMINING OPERATION

In re Application of:
PETER T. PUGLIESE

Serial No.: 09/989,019
Filed: November 21, 2001

Title: THE USE OF COMBINED
FLAVONES AND ISOFLAVONES TO
TREAT CELLULITE.

AF/ 1617

Art Unit No.: 1617

Primary Examiner: T.J. Criares

Before Board of Patent Appeals and
Interferences

Board Docket No.:

Patent & Trademark Office
Board of Patent Appeals
Alexandria, VA 22313-1450

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**APPELLANT INQUIRY ON BOARD ORDER RETURNING UNDOCKETED
APPEAL TO PTO PRIMARY EXAMINER T.J. CRIARES**

Sirs:

The above-identified application is a subject of an undocketed appeal in which all of the briefs and PTO Answer are already of record. The Honorable Board, on October 6, 2002, returned this cause to the Primary Examiner for the Office to supply to the Board, a complete translation of the earlier relied upon Lotte reference (JPL-61927) set forth in the Examiner's Answer. With a lapse of four plus months, this step has presumably been taken by the Primary Examiner.


In either event, if the Examiner has complied. He has failed to copy the Appellant with a copy of the translation required by the Board. Fundamental fairness calls for the Examiner to do so. The Board is requested to direct the Primary Examiner to supply a photocopy of his submission to the Appellant, and any supplemental Answer.

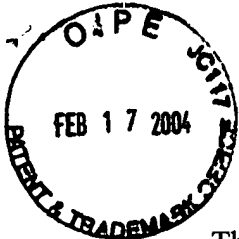
In the event the Examiner has yet to do so, Appellant asks that the Honorable Board direct prompt compliance with the Board mandate, and to copy the appealing party on any such submission to the board submission.

Dated: February 12, 2004

Enclosures: 2

Respectfully submitted,

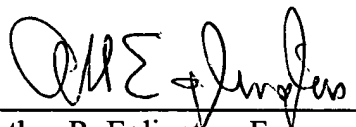

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CERTIFICATE OF MAILING

The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service as First Class Certified Mail in an envelope addressed to: Patent & Trademark Office, Board of Patent Appeals, Alexandria, VA 22313-1450, on February 12, 2004.

Date: February 12, 2004



Arthur R. Eglington, Esq.

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The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

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Paper No. 14

FEB 23 2004

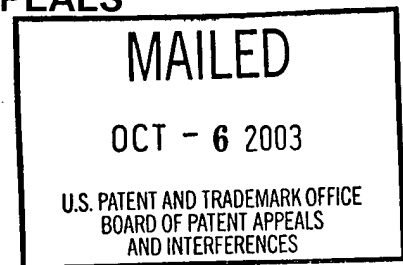
UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte PETER T. PUGLIESE

Application No. 09/989,019

Am 10/8/03



ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences on September 24, 2003. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

We were unable to locate a complete copy of a translation for the Lotte reference (JP7-61927) relied on by the examiner in the Examiner's Answer (Paper No. 11, mailed April 23, 2003).

xc to ROBAT w. Inquiry ltr of 2/2004

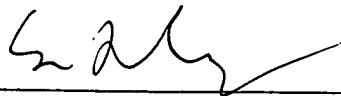
Application No. 09/989,019

Accordingly, it is

ORDERED that the application is returned to the Examiner to place a complete copy of the missing translation for the Lotte reference in the administrative file, and for such further action as may be appropriate.

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS
AND INTERFERENCES



Craig R. Feinberg
Program and Resource Administrator
(703) 308-9797